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REMARKS

Amendments to the claims

Claims 1, 3-13, 16-22, 25, 28, 31-34 and 36 are pending in the present application. With this response, Applicant amends claim 34. Support for the amendments to the claims can be found in claim 34 itself and in the application as originally filed. All amendments are made herein without prejudice.

Claim Rejections – 35 USC § 101

In the Action, the Examiner rejects claims 34 and 36 because directed to non-statutory subject matter. In particular, the Examiner states that merely detecting a shift does not appear to constitute a tangible result. Applicant has amended claim 34 to recite "*detecting shift of at least one of said sidebands relative to the carrier and other sidebands to detect the spectral properties of the sample.*" Applicant submits that the result of claim 34 as currently amended, i.e. detecting spectral properties of a sample, constitutes a tangible result. Therefore, Applicant submits that claim 34 is allowable, together with claim 36 by virtue of its dependency on claim 34.

Allowed claims

In the Action, the Examiner allows claims 1, 3-13, 16-22, 25, 28 and 31-33. The Applicant thanks the Examiner for the indication of allowability.

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The Commissioner is authorized to charge any additional fees which may be required or credit overpayment to deposit account no. 12-0415. In particular, if this response is not timely filed, then the Commissioner is authorized to treat this response as including a petition to extend the time period pursuant to 37 CFR 1.136(a) requesting an extension of time of the number of months necessary to make this response timely filed and the petition fee due in connection therewith may be charged to deposit account no. 12-0415.

I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office, fax no. (571)-273-8300 on

December 11, 2006
(Date of Deposit)

Susan Papp
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12/11/06
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